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Client Number: 21220 **Matter Number:** 04146 **Client Name:** Goodrich Corporation

Number of Pages: 3

Message:

Per our telephone conversation this morning, attached please find:

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT (2 pages)

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OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT**

In re Application of:
FOX et al.
Serial No.: 10/695,040
Filed: October 27, 2003
Attorney Docket No.: 21220/04146

This is a decision on the petition filed August 15, 2005, to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the Restriction Requirement mailed on January 27, 2005. A Notice of Abandonment was mailed on August 01, 2005.

Petitioner asserts that the Office action mailed on January 27, 2005, was not received. To support this assertion, petitioner provided a statement attesting that a search of the file jacket and docket records showed that the Office action was not received. A copy of the file docket where the Office action would have been entered was provided to support the petition.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.B.P. § 711.03(c).

The petition is sufficient to establish a showing of non-receipt of the Office action mailed on January 27, 2005.

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Application Serial No.: 10/695,040
Decision on Petition

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For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The response filed with the petition is accepted as timely, and will be entered into the record. The application will be sent to the examiner for further examination.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



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